

**GALLATIN COUNTY
GROWTH POLICY IMPLEMENTATION PROGRAM
Commission Directives to Staff
September 21, 2006**

This item was noticed in the *Bozeman Daily Chronicle* (September 17, 2006) as follows: Public Hearing and Decision Regarding Direction for Staff on Various Aspects of the County Growth Policy Implementation Program, Including Direction for Drafting Regulations and Amendments to the Gallatin County Subdivision Regulations, the Bozeman Area/Gallatin County Zoning District, and the Gallatin County Growth Policy. The Decision Will Address a Countywide Density Regulation, a Countywide Transfer of Development Rights Program, Interlocal Agreements Between The Town of Manhattan, and the Cities of Three Forks, Belgrade, and Bozeman, as well as the Creation of a Rural Land Program.

A public meeting was held September 20, 2006, at which time the Commission made the following initial decisions:

1. COUNTY DENSITY REGULATION –

- 1) **POLICY DECISION:** Commissioners voted 3:0 to direct staff to develop density regulation through the Gallatin County Subdivision Regulations.
- 2) **POLICY DECISION:** Commissioners voted 3:0 to establish a base density within the density regulation of one residence per 160 acres in the unzoned areas of Gallatin County. Commissioners said they supported the density regulation only if coupled with a countywide Transfer of Development Rights program and clustered subdivision option.

2. TRANSFER OF DEVELOPMENT RIGHTS PROGRAM – The Commissioners have expressed interest in establishing a countywide transfer of development rights (TDR) program. The County established a Transfer of Development Rights Feasibility Committee in 2004 and has worked over the past couple of years with TDR expert Rick Pruetz.

- 3) **POLICY DECISION:** Commissioners determined it was too early in process to make a determination whether to use “certificates” to track transfer of development rights or deeds of transfer. Commissioners to make decision at a later date.

- 4) **POLICY DECISION:** Commissioners voted 3:0 to establish eight development rights per 160 acres (or for rights to be established through an appraisal process).
- 5) **POLICY DECISION:** Commissioners agreed not to use the cash-in-lieu method at this time but agreed to support an appraisal option to establish number of transfer of development rights.
- 6) **POLICY DECISION:** Commissioners agreed not to include a transfer of development rights requirement for homes in receiving areas exceeding 4,000 square feet.
- 7) **POLICY DECISION:** Commissioners voted 3:0 to support concept of excluding exemptions (family transfers, ag exemptions, boundary relocations) from County density regulation. (Marty Lambert said divisions exempt from subdivision review would be automatically exempt if density regulation were established through subdivision regulations.)

3. **GALLATIN COUNTY/BOZEMAN AREA ZONING REGULATION** - The County recognizes the Gallatin County/Bozeman Area Zoning District (the “Donut”) as important receiving area for transfer of development rights. Staff has been working on comprehensive amendments to the Regulations to include a future TDR program. The Commission voted 3:0 to establish the Bozeman Donut as a “receiving area,” and to direct Staff to write a regulation with the following stipulations:

- 8) **POLICY DECISION:** Commissioners voted 3:0 to eliminate opportunity to rezone property to higher densities. Commissioners voted 3:0 to include the standard development option of one unit per acre in the Residential Suburban District.
- 9) **POLICY DECISION:** Commissioners voted 3:0 to eliminate present cluster option within the Agricultural Suburban (AS) District of Donut, but to establish a baseline density of one residence per 4 acres in AS District.
- 10) **POLICY DECISION:** Commissioners voted 3:0 to not include intra-district transfers within the Donut Zoning District.
- 11) **POLICY DECISION:** Commissioners voted 3:0 to establish a density maximum of nine units per acre within the Donut Zoning District.
- 12) **POLICY DECISION:** Commissioners voted 3:0 to direct staff to use density bonus “scale” as recommended by consultant Rick Pruetz.
- 13) **POLICY DECISION:** Commissioners voted 3:0 to allow establishment of R-MH (mobile home) Districts without transfer of development rights.

4. **CITY-COUNTY INTERLOCAL AGREEMENTS** – The Commission has expressed interest in entering into interlocal agreements with cities of Bozeman, Belgrade, Manhattan and Three Forks to help implement countywide TDR program and steer growth to “donut” areas.

14) **POLICY DECISION:** Commission discussed the need to establish interlocal agreements with all municipal jurisdictions, stating that prioritizing such efforts was unnecessary.

15) **POLICY DECISION:** Commissioners voted 3:0 that other jurisdictions should participate in county transfer of development rights program.

5. **RURAL LAND PROGRAM** – Commission voted 3:0 to direct staff to work on establishment of a rural land program with rural land regulations allowing clustered subdivisions under certain circumstances. The Commission gave staff direction to establish a draft regulation including the following standards:

16) **POLICY DECISION:** Commissioners voted 3:0 that a maximum of four additional lots per 160 acres could possibly be obtained through clustered subdivision if criteria are met.

17) **POLICY DECISION:** Commission voted 3:0 to establish a maximum parcel size of 40 acres, to include a building envelope of a reasonable but not yet established size.

18) **POLICY DECISION:** Commission voted 3:0 to establish a maximum of 16 lots per clustered proposal.

19) **POLICY DECISION:** Commission voted 3:0 to establish that a clustered project preserve at least 90 percent of land.

6. **GALLATIN COUNTY SUBDIVISION REGULATIONS** –

20) **POLICY DECISION:** Commissioners voted 3:0 to direct staff to create a two-tiered (or possibly three-tiered) approach to development standards as advocated by “Model Subdivision Regulations.”

21) **POLICY DECISION:** Commission agreed with the need to finalize list of incentives for developing in designated growth areas and directed staff to schedule a work session to finalize list.